

Effect:

- Clarifies that adopting average minimum density equivalents, as an alternative option for cities subject to middle housing requirements, applies to the entire city and not the city's UGA
- Removes the requirement for cities to perform certain antidisplacement measures under the mandatory housing element within one-half mile of a major transit stop if the city has not adopted such measures within nine months of the bill's effective date.
- Requires rather than authorizes cities to adopt development and design standards related to siting and design of middle housing, which must be consistent with standards published by Commerce
- Clarifies that development and design standards does not limit the amount of affordable housing provided by a city through a affordable housing incentive program
- Clarifies that cities may apply any regulations concerning health, safety, setbacks, utility access, sustainability, open space, and other elements as long as they are not more restrictive than regulations for detached single-family residences
- Prohibits cities from applying a floor area ratio limit to middle housing and from requiring minimum lot sizes or frontage lengths for lots for fee simple townhouses
- Removes the implementation timelines for the middle housing requirements, and requires cities to implement all middle housing requirements by the comprehensive plan update deadlines for the county in which the city is located
- Clarifies that the middle housing requirements do not modify or limit certain building permit and inspection requirements
- Exempts real property within condominium or homeowners' associations or common interest communities from middle housing requirements
- Requires Commerce to publish model design and development standards for middle housing infill development compatible with detached single-family housing
- Provides that measured increases to regional housing capacity after implementation of middle housing requirements may not impact a determination that a jurisdiction has exceeded or will exceed its population forecast
- Amends and adds necessary definitions regarding middle housing types, major transit stops, and floor area ratio

1 AN ACT Relating to creating additional middle housing near
2 transit and in areas traditionally dedicated to single-family
3 detached housing; amending RCW 36.70A.030, 36.70A.210, and
4 43.21C.495; and adding new sections to chapter 36.70A RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Adopt a comprehensive land use plan" means to enact a new
11 comprehensive land use plan or to update an existing comprehensive
12 land use plan.

13 (2) "Affordable housing" means, unless the context clearly
14 indicates otherwise, residential housing whose monthly costs,
15 including utilities other than telephone, do not exceed thirty
16 percent of the monthly income of a household whose income is:

17 (a) For rental housing, sixty percent of the median household
18 income adjusted for household size, for the county where the
19 household is located, as reported by the United States department of
20 housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Courtyard dwellings" means four or more attached dwelling units arranged on two or three sides of a central courtyard or common area.

(7) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

~~((7))~~ (8) "Department" means the department of commerce.

~~((8))~~ (9) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

1 ~~((+9+))~~ (10) "Emergency housing" means temporary indoor
2 accommodations for individuals or families who are homeless or at
3 imminent risk of becoming homeless that is intended to address the
4 basic health, food, clothing, and personal hygiene needs of
5 individuals or families. Emergency housing may or may not require
6 occupants to enter into a lease or an occupancy agreement.

7 ~~((+10+))~~ (11) "Emergency shelter" means a facility that provides
8 a temporary shelter for individuals or families who are currently
9 homeless. Emergency shelter may not require occupants to enter into a
10 lease or an occupancy agreement. Emergency shelter facilities may
11 include day and warming centers that do not provide overnight
12 accommodations.

13 ~~((+11+))~~ (12) "Extremely low-income household" means a single
14 person, family, or unrelated persons living together whose adjusted
15 income is at or below thirty percent of the median household income
16 adjusted for household size, for the county where the household is
17 located, as reported by the United States department of housing and
18 urban development.

19 ~~((+12+))~~ (13) "Floor area ratio" means a measure of development
20 intensity equal to building square footage divided by property square
21 footage.

22 (14) "Forestland" means land primarily devoted to growing trees
23 for long-term commercial timber production on land that can be
24 economically and practically managed for such production, including
25 Christmas trees subject to the excise tax imposed under RCW 84.33.100
26 through 84.33.140, and that has long-term commercial significance. In
27 determining whether forestland is primarily devoted to growing trees
28 for long-term commercial timber production on land that can be
29 economically and practically managed for such production, the
30 following factors shall be considered: (a) The proximity of the land
31 to urban, suburban, and rural settlements; (b) surrounding parcel
32 size and the compatibility and intensity of adjacent and nearby land
33 uses; (c) long-term local economic conditions that affect the ability
34 to manage for timber production; and (d) the availability of public
35 facilities and services conducive to conversion of forestland to
36 other uses.

37 ~~((+13+))~~ (15) "Freight rail dependent uses" means buildings and
38 other infrastructure that are used in the fabrication, processing,
39 storage, and transport of goods where the use is dependent on and
40 makes use of an adjacent short line railroad. Such facilities are

both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

~~((14))~~ (16) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((15))~~ (17) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((16))~~ (18) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((17))~~ (19) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes;

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours on weekdays; or

(f) Washington state ferry terminals.

(20) "Middle housing" means duplexes, triplexes, fourplexes, fiveplexes, sixplexes, stacked flats, townhouses, and courtyard dwellings.

(21) "Minerals" include gravel, sand, and valuable metallic substances.

~~((18))~~ (22) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is

1 at or below 120 percent of the median household income adjusted for
2 household size, for the county where the household is located, as
3 reported by the United States department of housing and urban
4 development.

5 ~~((19))~~ (23) "Permanent supportive housing" is subsidized,
6 leased housing with no limit on length of stay that prioritizes
7 people who need comprehensive support services to retain tenancy and
8 utilizes admissions practices designed to use lower barriers to entry
9 than would be typical for other subsidized or unsubsidized rental
10 housing, especially related to rental history, criminal history, and
11 personal behaviors. Permanent supportive housing is paired with on-
12 site or off-site voluntary services designed to support a person
13 living with a complex and disabling behavioral health or physical
14 health condition who was experiencing homelessness or was at imminent
15 risk of homelessness prior to moving into housing to retain their
16 housing and be a successful tenant in a housing arrangement, improve
17 the resident's health status, and connect the resident of the housing
18 with community-based health care, treatment, or employment services.
19 Permanent supportive housing is subject to all of the rights and
20 responsibilities defined in chapter 59.18 RCW.

21 ~~((20))~~ (24) "Public facilities" include streets, roads,
22 highways, sidewalks, street and road lighting systems, traffic
23 signals, domestic water systems, storm and sanitary sewer systems,
24 parks and recreational facilities, and schools.

25 ~~((21))~~ (25) "Public services" include fire protection and
26 suppression, law enforcement, public health, education, recreation,
27 environmental protection, and other governmental services.

28 ~~((22))~~ (26) "Recreational land" means land so designated under
29 RCW 36.70A.1701 and that, immediately prior to this designation, was
30 designated as agricultural land of long-term commercial significance
31 under RCW 36.70A.170. Recreational land must have playing fields and
32 supporting facilities existing before July 1, 2004, for sports played
33 on grass playing fields.

34 ~~((23))~~ (27) "Rural character" refers to the patterns of land
35 use and development established by a county in the rural element of
36 its comprehensive plan:

37 (a) In which open space, the natural landscape, and vegetation
38 predominate over the built environment;

39 (b) That foster traditional rural lifestyles, rural-based
40 economies, and opportunities to both live and work in rural areas;

1 (c) That provide visual landscapes that are traditionally found
2 in rural areas and communities;

3 (d) That are compatible with the use of the land by wildlife and
4 for fish and wildlife habitat;

5 (e) That reduce the inappropriate conversion of undeveloped land
6 into sprawling, low-density development;

7 (f) That generally do not require the extension of urban
8 governmental services; and

9 (g) That are consistent with the protection of natural surface
10 water flows and groundwater and surface water recharge and discharge
11 areas.

12 ~~((+24+))~~ (28) "Rural development" refers to development outside
13 the urban growth area and outside agricultural, forest, and mineral
14 resource lands designated pursuant to RCW 36.70A.170. Rural
15 development can consist of a variety of uses and residential
16 densities, including clustered residential development, at levels
17 that are consistent with the preservation of rural character and the
18 requirements of the rural element. Rural development does not refer
19 to agriculture or forestry activities that may be conducted in rural
20 areas.

21 ~~((+25+))~~ (29) "Rural governmental services" or "rural services"
22 include those public services and public facilities historically and
23 typically delivered at an intensity usually found in rural areas, and
24 may include domestic water systems, fire and police protection
25 services, transportation and public transit services, and other
26 public utilities associated with rural development and normally not
27 associated with urban areas. Rural services do not include storm or
28 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

29 ~~((+26+))~~ (30) "Short line railroad" means those railroad lines
30 designated class II or class III by the United States surface
31 transportation board.

32 ~~((+27+))~~ (31) "Stacked flats" means dwelling units constructed in
33 a stack of two or more attached units where each dwelling unit is
34 located either above or below an adjacent unit within a single
35 building.

36 (32) "Townhouses" means dwelling units constructed in a row of
37 two or more attached units, where each dwelling unit shares at least
38 one common wall with an adjacent unit.

39 (33) "Urban governmental services" or "urban services" include
40 those public services and public facilities at an intensity

1 historically and typically provided in cities, specifically including
2 storm and sanitary sewer systems, domestic water systems, street
3 cleaning services, fire and police protection services, public
4 transit services, and other public utilities associated with urban
5 areas and normally not associated with rural areas.

6 ~~((+28+))~~ (34) "Urban growth" refers to growth that makes
7 intensive use of land for the location of buildings, structures, and
8 impermeable surfaces to such a degree as to be incompatible with the
9 primary use of land for the production of food, other agricultural
10 products, or fiber, or the extraction of mineral resources, rural
11 uses, rural development, and natural resource lands designated
12 pursuant to RCW 36.70A.170. A pattern of more intensive rural
13 development, as provided in RCW 36.70A.070(5)(d), is not urban
14 growth. When allowed to spread over wide areas, urban growth
15 typically requires urban governmental services. "Characterized by
16 urban growth" refers to land having urban growth located on it, or to
17 land located in relationship to an area with urban growth on it as to
18 be appropriate for urban growth.

19 ~~((+29+))~~ (35) "Urban growth areas" means those areas designated
20 by a county pursuant to RCW 36.70A.110.

21 ~~((+30+))~~ (36) "Very low-income household" means a single person,
22 family, or unrelated persons living together whose adjusted income is
23 at or below fifty percent of the median household income adjusted for
24 household size, for the county where the household is located, as
25 reported by the United States department of housing and urban
26 development.

27 ~~((+31+))~~ (37) "Wetland" or "wetlands" means areas that are
28 inundated or saturated by surface water or groundwater at a frequency
29 and duration sufficient to support, and that under normal
30 circumstances do support, a prevalence of vegetation typically
31 adapted for life in saturated soil conditions. Wetlands generally
32 include swamps, marshes, bogs, and similar areas. Wetlands do not
33 include those artificial wetlands intentionally created from
34 nonwetland sites, including, but not limited to, irrigation and
35 drainage ditches, grass-lined swales, canals, detention facilities,
36 wastewater treatment facilities, farm ponds, and landscape amenities,
37 or those wetlands created after July 1, 1990, that were
38 unintentionally created as a result of the construction of a road,
39 street, or highway. Wetlands may include those artificial wetlands

1 intentionally created from nonwetland areas created to mitigate
2 conversion of wetlands.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1)(a) Any city with a population of 20,000 or more, as of the
6 effective date of this section, that is required or chooses to plan
7 under RCW 36.70A.040 must provide by ordinance and incorporate into
8 its development regulations, zoning regulations, and other official
9 controls, authorization for the development of all middle housing
10 types on all lots zoned for detached single-family residential use
11 within one-half mile of a major transit stop.

12 (b)(i) Such cities must also allow development of duplexes,
13 triplexes, and fourplexes on all other lots zoned for single-family
14 residential use.

15 (ii) As an alternative to the requirements of this subsection
16 (1)(b):

17 (A) Any city with a population of 500,000 or more may alter local
18 zoning to allow an average minimum density equivalent to 40 dwelling
19 units or more per gross acre across the entirety of the city;

20 (B) Any city with a population of at least 100,000, but less than
21 500,000, may alter local zoning to allow an average minimum density
22 equivalent to 30 dwelling units or more per gross acre across the
23 entirety of the city; and

24 (C) Any city with a population of at least 20,000, but less than
25 100,000, may alter local zoning to allow an average minimum density
26 equivalent to 25 dwelling units or more per gross acre across the
27 entirety of the city.

28 (2)(a) Any city with a population of at least 10,000 but less
29 than 20,000, as of the effective date of this section, that is
30 required or chooses to plan under RCW 36.70A.040 must provide by
31 ordinance and incorporate into its development regulations, zoning
32 regulations, and other official controls, authorization for the
33 development of duplexes on all lots zoned for detached single-family
34 residential use. Nothing in this subsection prohibits a city from
35 allowing middle housing types in addition to duplexes.

36 (b) As an alternative to the requirements under (a) of this
37 subsection, any city with a population of at least 10,000, but less
38 than 20,000, may alter local zoning to allow an average minimum
39 density equivalent to 15 dwelling units or more per gross acre.

1 (3) Any city choosing to adopt an average minimum density
2 pursuant to subsection (1)(b)(ii) or (2)(b) of this section shall
3 also adopt findings of fact demonstrating that actions taken to
4 implement that average minimum density will not result in racially
5 disparate impacts, displacement, or further exclusion in housing. The
6 city shall transmit such findings to the department.

7 (4) Any city subject to the requirements of this section:

8 (a) Shall adopt development and design standards related to
9 siting and design of middle housing that are consistent with the
10 processes and standards published by the department pursuant to
11 section 3 of this act. Such development and design standards may not
12 discourage the development of middle housing through unreasonable
13 costs, fees, delays, or other requirements or actions which
14 individually, or cumulatively, make impracticable the permitting,
15 siting, or construction of middle housing. This subsection (4)(a)
16 does not limit the amount of affordable housing that a city may
17 require to be provided, either on-site or through an in-lieu payment,
18 pursuant to a program enacted or expanded under RCW 36.70A.540;

19 (b) May apply all other applicable regulations, including
20 regulations for health, safety, setbacks, utility access,
21 sustainability, open space, limits on impermeable surface areas,
22 sunlight, or tree canopy, provided that such regulations are not more
23 restrictive than those required for detached single-family
24 residences;

25 (c) Shall not apply any floor area ratio limit to middle housing;

26 (d) Shall apply to middle housing the same development permit,
27 design review, and environmental review processes that apply to
28 detached single-family residences;

29 (e) Shall not require minimum lot sizes or minimum frontage
30 lengths for lots that accommodate fee-simple, for-sale townhouses;

31 (f) Shall not require off-street parking as a condition of
32 permitting development of middle housing within one-half mile of a
33 major transit stop;

34 (g) Shall not require more than one off-street parking space per
35 lot as a condition of permitting development of middle housing on
36 lots smaller than 6,000 square feet;

37 (h) Shall not require more than two off-street parking spaces per
38 lot as a condition of permitting development of middle housing on
39 lots greater than 6,000 square feet.

(5) Nothing in this section prohibits a city from permitting detached single-family residences.

(6) Any city subject to the requirements of this section shall take all actions necessary to fully implement such requirements on or before the deadline for review and adoption of an updated comprehensive plan under RCW 36.70A.130 for the county in which that city is located.

(7) This section does not modify, limit, or supersede requirements under chapter 64.55 RCW.

(8) The requirements of this section do not apply to any real property owned within and subject to the requirements of:

(a) Any association created under or subject to chapter 64.32, 64.34, or 64.38 RCW; or

(b) Any common interest community created under chapter 64.90 RCW prior to the effective date of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) The department is directed to provide technical assistance to cities as they implement the requirements under section 2 of this act.

(b) The department shall prioritize such technical assistance to cities demonstrating the greatest need.

(2)(a) The department shall publish model middle housing ordinances no later than 18 months following the effective date of this section. The department shall also publish model design and development standards demonstrating infill development of middle housing that is generally compatible in scale and character with typical single-family detached housing.

(b) In any city subject to section 2 of this act that has not passed ordinances, regulations, or other official controls by the deadlines provided under section 2(6) of this act, the model middle housing ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement section 2 of this act.

(3)(a) The department is directed to establish a process by which cities implementing the requirements of section 2 of this act may seek approval of necessary local actions.

(b) Any local actions approved by the department pursuant to (a) of this subsection to implement the requirements under section 2 of

1 this act are exempt from appeals under this chapter and chapter
2 43.21C RCW.

3 (4) The department may adopt by rule any procedures necessary to
4 implement this section.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
6 RCW to read as follows:

7 (1) Any city subject to the requirements under section 2 of this
8 act may apply to the department for, and the department may certify,
9 an extension of the implementation timelines established under
10 section 2(6) of this act.

11 (2) An extension certified under this section may be applied only
12 to specific areas where a city has identified water, sewer,
13 stormwater, or transportation services that are currently deficient,
14 or are expected to be deficient within the next five years, and for
15 which the local government has established a plan of actions that
16 will remedy the deficiency in those services on a specific timeline.
17 The department may certify additional extensions of a city's
18 remediation timeline.

19 (3) An application for an implementation timeline extension by a
20 city must be filed with the department no later than 24 months
21 following the effective date of this section.

22 (4) The department may adopt by rule any procedures necessary to
23 implement this section.

24 **Sec. 5.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
25 read as follows:

26 (1) The legislature recognizes that counties are regional
27 governments within their boundaries, and cities are primary providers
28 of urban governmental services within urban growth areas. For the
29 purposes of this section, a "countywide planning policy" is a written
30 policy statement or statements used solely for establishing a
31 countywide framework from which county and city comprehensive plans
32 are developed and adopted pursuant to this chapter. This framework
33 shall ensure that city and county comprehensive plans are consistent
34 as required in RCW 36.70A.100. Nothing in this section shall be
35 construed to alter the land-use powers of cities.

36 (2) The legislative authority of a county that plans under RCW
37 36.70A.040 shall adopt a countywide planning policy in cooperation

1 with the cities located in whole or in part within the county as
2 follows:

3 (a) No later than sixty calendar days from July 16, 1991, the
4 legislative authority of each county that as of June 1, 1991, was
5 required or chose to plan under RCW 36.70A.040 shall convene a
6 meeting with representatives of each city located within the county
7 for the purpose of establishing a collaborative process that will
8 provide a framework for the adoption of a countywide planning policy.
9 In other counties that are required or choose to plan under RCW
10 36.70A.040, this meeting shall be convened no later than sixty days
11 after the date the county adopts its resolution of intention or was
12 certified by the office of financial management.

13 (b) The process and framework for adoption of a countywide
14 planning policy specified in (a) of this subsection shall determine
15 the manner in which the county and the cities agree to all procedures
16 and provisions including but not limited to desired planning
17 policies, deadlines, ratification of final agreements and
18 demonstration thereof, and financing, if any, of all activities
19 associated therewith.

20 (c) If a county fails for any reason to convene a meeting with
21 representatives of cities as required in (a) of this subsection, the
22 governor may immediately impose any appropriate sanction or sanctions
23 on the county from those specified under RCW 36.70A.340.

24 (d) If there is no agreement by October 1, 1991, in a county that
25 was required or chose to plan under RCW 36.70A.040 as of June 1,
26 1991, or if there is no agreement within one hundred twenty days of
27 the date the county adopted its resolution of intention or was
28 certified by the office of financial management in any other county
29 that is required or chooses to plan under RCW 36.70A.040, the
30 governor shall first inquire of the jurisdictions as to the reason or
31 reasons for failure to reach an agreement. If the governor deems it
32 appropriate, the governor may immediately request the assistance of
33 the department of ~~((community, trade, and economic development))~~
34 commerce to mediate any disputes that preclude agreement. If
35 mediation is unsuccessful in resolving all disputes that will lead to
36 agreement, the governor may impose appropriate sanctions from those
37 specified under RCW 36.70A.340 on the county, city, or cities for
38 failure to reach an agreement as provided in this section. The
39 governor shall specify the reason or reasons for the imposition of
40 any sanction.

1 (e) No later than July 1, 1992, the legislative authority of each
2 county that was required or chose to plan under RCW 36.70A.040 as of
3 June 1, 1991, or no later than fourteen months after the date the
4 county adopted its resolution of intention or was certified by the
5 office of financial management the county legislative authority of
6 any other county that is required or chooses to plan under RCW
7 36.70A.040, shall adopt a countywide planning policy according to the
8 process provided under this section and that is consistent with the
9 agreement pursuant to (b) of this subsection, and after holding a
10 public hearing or hearings on the proposed countywide planning
11 policy.

12 (3) A countywide planning policy shall at a minimum, address the
13 following:

14 (a) Policies to implement RCW 36.70A.110;

15 (b) Policies for promotion of contiguous and orderly development
16 and provision of urban services to such development;

17 (c) Policies for siting public capital facilities of a countywide
18 or statewide nature, including transportation facilities of statewide
19 significance as defined in RCW 47.06.140;

20 (d) Policies for countywide transportation facilities and
21 strategies;

22 (e) Policies that consider the need for affordable housing, such
23 as housing for all economic segments of the population and parameters
24 for its distribution;

25 (f) Policies for joint county and city planning within urban
26 growth areas;

27 (g) Policies for countywide economic development and employment,
28 which must include consideration of the future development of
29 commercial and industrial facilities; and

30 (h) An analysis of the fiscal impact.

31 (4) Federal agencies and Indian tribes may participate in and
32 cooperate with the countywide planning policy adoption process.
33 Adopted countywide planning policies shall be adhered to by state
34 agencies.

35 (5) Failure to adopt a countywide planning policy that meets the
36 requirements of this section may result in the imposition of a
37 sanction or sanctions on a county or city within the county, as
38 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
39 governor shall specify the reasons for failure to adopt a countywide
40 planning policy in order that any imposed sanction or sanctions are

1 fairly and equitably related to the failure to adopt a countywide
2 planning policy.

3 (6) Cities and the governor may appeal an adopted countywide
4 planning policy to the growth management hearings board within sixty
5 days of the adoption of the countywide planning policy.

6 (7) Multicounty planning policies shall be adopted by two or more
7 counties, each with a population of four hundred fifty thousand or
8 more, with contiguous urban areas and may be adopted by other
9 counties, according to the process established under this section or
10 other processes agreed to among the counties and cities within the
11 affected counties throughout the multicounty region. Measured
12 increases to regional housing capacity following implementation of
13 the requirements under section 2 of this act must not be considered
14 in making any determination that a jurisdiction has exceeded or will
15 exceed its population forecast.

16 **Sec. 6.** RCW 43.21C.495 and 2020 c 173 s 2 are each amended to
17 read as follows:

18 (1) If adopted by April 1, 2023, amendments to development
19 regulations and other nonproject actions taken by a city to implement
20 RCW 36.70A.600 (1) or (4), with the exception of the action specified
21 in RCW 36.70A.600(1)(f), are not subject to administrative or
22 judicial appeals under this chapter.

23 (2) Amendments to development regulations and other nonproject
24 actions taken by a city to implement requirements under section 2 of
25 this act pursuant to section 3(3)(b) of this act are not subject to
26 administrative or judicial appeals under this chapter.

--- END ---